

Alison Judith Oldfield
Third Witness Statement
Party: Claimant/Applicant
Exhibit: AJO3
Date: 19 April 2023
Claim No: QB-2022-001420

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BETWEEN

SHELL U.K. OIL PRODUCTS LIMITED

Claimant/Applicant

- and -

THE CHIEF CONSTABLE OF METROPOLITAN POLICE

Respondent

Third Witness Statement of Alison Judith Oldfield

I, **Alison Judith Oldfield** of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland**") of Water Lane, Leeds LS11 5DR **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

- 1.1 I am a partner at Eversheds Sutherland and have conduct of this matter on behalf of the Applicant.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source of my knowledge.
- 1.3 References to page numbers in this statement are to page numbers in Exhibit AJO3.
- 1.4 This statement has been prepared in support of the Applicant's application for the Respondent (who is not a party to these proceedings) to give disclosure, pursuant to CPR 31.17, of documents in the categories identified in the draft order (the "**Draft Order**") at pages 2-3 of **Exhibit AJO3** and subject to conditions identified in the Draft Order.

2. BACKGROUND

- 2.1 The Applicant is the claimant in proceedings, under Claim No: QB-2022-001420 (the "**Claim**"), and was granted injunctive relief pursuant to Johnson J's order dated 17 May 2022 (as amended under the Slip Rule (CPR 40.12) on 20 May 2022) (the "**20 May 2022 Order**") (see pages 4-12 of **Exhibit AJ03**) against persons unknown damaging, and/or blocking the use of or access to any Shell Petrol Station in England and Wales, or to any equipment or infrastructure upon it, by express or implied agreement with others, in connection with environmental protest campaigns with the intention of disrupting the sale or supply of fuel to or from the said station (the "**Defendants**").
- 2.2 The Applicant has applied to the Court (amongst other things) for an order that the injunctive relief granted by the 20 May 2022 Order be extended beyond 4pm on 12 May 2023.
- 2.3 For further details of the Claim, I refer the Court to the statements of case and the witness statements in support of the Applicant's application for interim injunctive relief and its application for the continuation of such relief.
- 2.4 As set out in the witness statement evidence referred to above, on 26 August 2023 a number of people (some falling within the category of Persons Unknown as defined in this Claim) were involved in protests at the Shell Acton Park Service Station, 213-217 the Vale, London W3 7QS and the Shell Acton Vale Petrol Station at Acton Vale, 30 the Vale, W3 7RS (the "**Acton Vale Incidents**"). It was reported that the Metropolitan Police Service arrested 43 people in connection with the protests on suspicion of offences such as criminal damage and highway obstruction. See further - [Dozens of Just Stop Oil protesters arrested after targeting London petrol stations | ITV News London.](#) (Page 13 of **Exhibit AJ03**)
- 2.5 As explained at paragraph 4.3 of my First Witness Statement, the Applicant applied for third party disclosure from the Chief Constable of Surrey Police (the "**Surrey Police Disclosure Application**") in October 2022, which was then subsequently adjourned to enable certain "potentially interested parties" the opportunity to make submissions in respect of that application. Accordingly, the Applicant took the decision to wait until the outcome of the Surrey Police Disclosure Application in respect of the Cobham and Clacket Lane Services incidents (as described in the Surrey Police Disclosure Application) before making an identical application to the Chief Constable of the Metropolitan Police in respect of the Acton Vale Incidents.
- 2.6 The Surrey Police Disclosure Application was eventually heard on 8 March 2023 and disclosure was granted pursuant to May J's Order dated 13 March 2023. A copy of the order is at pages 14-16 of **Exhibit AJ03**.

3. **APPLICATION**

- 3.1 The Applicant makes this application in order to seek to identify and name, so far as it is possible, the Defendants to the Claim so that it can consider whether they should be joined to the proceedings and so that they may be served with the Order and Court Documents and/or any future orders and/or court documents relating to the Claim, in the usual way.
- 3.2 CPR 31.17 (3) provides that the Court may make an order under this rule only where:
 - (a) the documents which are sought are likely to support the case of the applicant or adversely affect the case of one of the other parties to the proceedings; and

- (b) disclosure is necessary in order to dispose or vary the claim or to save costs.
- 3.3 Addressing those criteria, the Draft Order sought by this application is likely to support the Applicant's case by identifying the Defendants as persons who have breached the existing injunctions and fall within the category of Persons Unknown. That is necessary as without being able to identify and name the Defendants, the Applicant is likely to be frustrated as appropriate from enforcing the relief which it obtained in accordance with the 20 May 2022 Order. Until the Applicant is provided with the names and addresses of any Persons Unknown that may have breached the terms of the order it cannot identify the relevant persons and consider whether it needs to apply to add them as named Defendants to the proceedings. In the circumstances, the orders' impact and enforceability is undermined.
- 3.4 Further, unless and until names and addresses are provided the orders and court documents cannot be served personally. It follows that the disclosure is necessary in order to protect the interests of the Defendants as well as the Applicant because unless the protestors are named in the proceedings their ability to contest the injunction is impaired.
- 3.5 Third party disclosure orders in the terms sought have been granted in numerous other proceedings involving protest injunctions over the past year including in *Transport for London v Alyson Lee & Ors* [2022] EWHC 3102 at [94]-[97] where Freedman J made an order in materially similar terms against the Metropolitan Police on the following basis:

"96. This is an order that has been made throughout the history of these demonstrations and, in my judgment, the pre-conditions for an order under CPR 31.17(3) exist in this case. They include the following:

(1) The name and address of the people concerned are likely to support the case of the claimant or adversely affect the case of one of the other parties to the proceedings. Being able to identify who the people are who have been acting in the way complained of is a central facet of the interim relief that the court has already granted. Evidence of breach will go to upholding the Just Stop Oil injunction.

(2) Disclosure is necessary in order to dispose fairly of the claim or to save costs, because (a) without the names and addresses the claimant cannot enforce the Just Stop Oil injunction without significant impediments; and (b) the claimant needs the names and addresses in order to make good an undertaking it has given to the court to add defendants as named defendants wherever possible.

(3) Identifying the protesters will allow them to defend their position in the proceedings and it increases the fairness of the proceedings to have named defendants as far as possible.

(4) The Metropolitan Police have stated to the claimant that it will only disclose the requested information pursuant to a court order and they do not oppose the grant of the making of that order.

(5) The disruption to the public and the risks involved mean that it is proportionate to order third party disclosure.

(6) It is much more desirable for the evidence gathering to be undertaken by the police, rather than for third parties such as inquiry agents to interfere during the demonstrations in order to obtain such evidence."

3.6 It was also stated in *Esso Petroleum Co Ltd v Persons Unknown* [2022] EWHC 1477 at [32] that "the disclosure sought is the most sensible and efficient way to identify any breaches of the injunction" and "any evidence that could be used by the claimants to pursue breaches [should be] gathered by the legally regulated and democratically accountable police forces of the United Kingdom".

4. **CORRESPONDENCE**

4.1 Eversheds Sutherland contacted the Respondent on 23 March 2023 (following the outcome of the Surrey Police Disclosure Application) and is in contact with Julia Bartholomew, Directorate of Legal Services at the Respondent. Copies of the correspondence is at pages 17-24 of **Exhibit AJ03** and is summarised below:

4.1.1 An initial letter was sent by Eversheds Sutherland by email (timed at 14:58) to Ms Bartholomew and a hard copy sent to the Respondent directly on 23 March 2023;

4.1.2 No response was received and a further letter was sent to the Respondent by email to Ms Bartholomew (timed at 15:28) and hard copy on 11 April 2023 ;

4.1.3 Ms Bartholomew responded by email (timed at 15:56) on 11 April 2023 and confirmed (amongst other things) that the Respondent required an order from the Court before it would provide disclosure of the documents requested;

4.1.4 Further telephone and email correspondence took place between 12th and 19th April 2023 including the provision of a draft order by Eversheds Sutherland on 18 April 2023. Unfortunately it has not been possible to obtain the Respondent's comments on the Draft Order before filing this application, however solicitors for the Applicant will of course keep the Court updated in this regard.

4.2 On the basis of the above, this application is made with the consent of the Respondent.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to made, a false statement in a document verified by a statement of truth without an honest belief in its truth.


.....

Alison Judith Oldfield

Dated: 19 April 2023